

Coram Nobis.

PEONAGE.

Peonage appears to be on the increase. The indictment by a grand jury in Tennessee of certain railroad contractors for this crime is followed by the conviction at Cape Girardeau, Mo., of seven persons. One of them received a sentence of three years and six months in the penitentiary at Fort Leavenworth, together with a fine of \$5,000, another two years with a like fine, two others, one year and six months with a fine of \$100 and three others, two years and six months with a similar fine. The principal witness, a negro veteran of the Cuban war escaped by sawing through the floor of the shack in which he was confined with others.

It would serve no good purpose to enter into details of the peon's sufferings. Suffice it to say that the testimony reveals a condition of affairs only to be described as revolting. It is fortunate indeed that the Federal tribunals have taken up this matter, as they are much to be preferred to State courts, since it is unfortunately true that the position of parties guilty of peonage is usually sufficiently high in the community to justify a dread of the exercise of some influence, however slight, over local judicial officers.

PROBATION.

An address delivered before the recent session of the National Prison Association by Warren F. Spalding, secretary, shows the enormous value of the probation system—the natural outgrowth of modern theories regarding the treatment of lawbreakers.

So long as it was held that punishment was the only thing to be considered by the State, there was no place for probation. But with the coming of new theories, new methods claimed attention. First, there was a recognition of the duty of the State to reform and reclaim the offender. The reformatory came into existence to express the new purpose, but the necessity for imprisonment, in some place, was almost unquestioned. The only alternative for the imprisonment of an offender was to lay his case on file, with the understanding that it would not be revived if he continued to behave correctly. This, however, was merely an expedient to enable the court to be lenient. In either event, if he was inclined to crime, lack of supervision of his future conduct gives him a freedom which he did not deserve. Before the adoption of the probation system, one Massachusetts court recognized, to some extent, its underlying principles by permitting two friendly visitors to intercede for prisoners. They secured leniency, either by getting cases continued during good behavior or by getting them placed on file. It was not until 1878 that this work was recognized by statute. In that year the appointment of a probation officer was authorized and his duties were defined. This was the first statutory provision authorizing a substitute for imprisonment. It established the fundamental principle of probation—that persons who may be reasonably expected to reform without punishment may be placed on probation, under the supervision of a paid officer.

The three things which were embodied in the first probation law underlie the great system which has since been built up. The first of these is the provision for investigation. The probation system provides for and depends upon investigations regarding past character and conduct, surroundings, associates and tendencies. The court must ascertain, also, what family the offender has; whether he works regularly and supports those dependent upon him, whether he has habits which lead him into criminal ways, etc. Theoretically, the new system divides convicted offenders into two great classes—those who will and those who will not "reform without punishment." To assign the individual to one class or the other, the court must have the assistance of someone upon whom he can rely. It is therefore essential that the investigator shall be appointed by, and be responsible solely to, the court. The theory of probation as a means of securing reformation is, first, that it makes a proper impression upon the mind of the probationer. It does not minimize the offence. It magnifies it by restricting the liberty of the offender. It takes away some of the rights which belong to the man who has not been convicted. The court decides what he may do, where he may go; who shall be his associates, how he shall conduct himself. He realizes that he has separated himself from those who are free to do as they please; that the State is justified in assuming an oversight and direction of his conduct. It requires him to shun evil companions; to keep away from the saloon; to abstain from drink; to work steadily and support those who are dependent upon him, etc.

These conditions might be imposed by any court, even without a probation officer, but they would be ineffective unless someone had power to see that they were observed. There must be supervision by someone paid to do it faithfully. The probationer must realize that though he is 'at large' he is not 'free.' The supervision must be friendly. The probation officer must watch over him, and not merely watch him. And he must 'render such assistance and encouragement as will tend to prevent him from again offending.' But there must be custodial as well as supervisory power. The probation officer must be able to surrender the probationer to the court if he does not comply with the established conditions. Probation also keeps a probationer in right relations with his family. If he is imprisoned he is relieved for the time of the obligation to support them and discovers that they can get along without him. Probation emphasizes his obligation to support them. It is a condition of his liberty. This tends to promote 'reformation without punishment.'

Probation has this advantage, also, that it directs the attention of the probationer to the importance of his own reformation. Punishment deals solely with the past. It ends at a time fixed in advance. Discharge does not depend upon a change of character. That is not demanded. But probation is concerned with the future. It may be continued until change of character is secured. The emphasis is put where it belongs—not upon what a man has done, but upon

what he will do; not upon what he was, but upon what he is to be. Punishment deals with one past act. The offender may be far worse than his worst deed; his good may be far worse than he is. Probation deals with character.

A SOLDIER'S RIGHTS.

"It's Tommy this, and Tommy that, and Tommy walk be'ind,
But it's a 'thin red line of 'erree' when there's trouble in the wind."—Kipling.

The troubles of Tommy Atkins appear to be likewise the troubles of the American soldier and sailor. A body of soldiers or seamen, it has been said, arouses enthusiasm in the hearts of the civilian, but let this fine body of men break ranks and every ranker in it becomes an outcast. During the recent visit of the Iowa, Indiana and second torpedo flotilla to Portland, Maine (which visit, by the way, was made at the suggestion of the residents of Maine, not only was the hospitality of the city conspicuous by its absence, but the treatment accorded was, in several instances, distinctly brutal, for the men were clubbed, kicked and knocked down by the local police with no justification.

Another indignity to which these men were obliged to submit took place at a skating rink. Tickets were sold and then skates were refused on the ground that they were dressed in seaman's uniform. Admittance was refused to other places of common amusement to which civilians, regardless of their character or of the condition of their clothes, were permitted to resort.

A test suit, so we understand, has been instituted by one of the seamen in question and it is to be hoped that the decision will be favorable to him, though we have some doubts as to the outcome. The case seems to be one where independent of statute the proprietor of a public place would have a technical right to refuse admission for any reason deemed satisfactory to him, or in fact for no reason at all. In Germany, by the way, such conduct is a penal offense. At all events, any law which might be drawn would have to be carefully worded.

The logic of the situation appears to be simply this. The soldier is entitled to just such rights as he would possess if he were a civilian of that particular community, no more, no less. In other words, the uniform neither confers additional privileges nor withdraws any already possessed. We are thus careful in limiting the doctrine in view of the recent outbreak in Texas, where colored soldiers appear to have considered that the uniform conferred rights of equality which were unsanctioned by usage in the particular locality. To our mind the putting on of the uniform makes a man neither greater nor less than he was before. Still, it must be a pretty poor specimen of a snob who would object to the presence of a soldier or sailor in a place of public amusement solely on account of the uniform aforesaid.

THE PEOPLE'S LOBBY.

Some of the newspapers are inclined to treat rather flippantly the new organization known as "the people's lobby." Others comment more seriously upon its aims. Personally we think that the method is calculated to cause the average Congressman to "sit up and take notice." Indeed, it is not unlikely that our representatives may in time really come to represent us. It has been said that it will be to Congress and to national politics what Dun's and Bradstreet's are to commercial life and a great deal more. On its governing committee are already found such men as R. M. Allen, secretary of the Interstate Pure-Food Commission; Francis J. Henry, special Government prosecutor in the Oregon land-fraud cases; Samuel McCune Lindsay, secretary of the National Child-Labor Committee; John Mitchell, president of the United Mine-Workers of America; James B. Reynolds,

joint author of the Neill-Reynolds meat-inspection report; Lincoln Steffens, and William Allen White. Mr. Needham's outline of the program of the People's Lobby reads as follows:

"With the aid of competent legal counsel, the People's Lobby will examine all public bills and resolutions introduced in Congress; report thereon; forward such reports to the committees of Congress, and give the same publicity through the press.

"It will follow the work of the committees of the Senate and House of Representatives; scrutinize all amendments; fix the responsibility for changes made in bills, for delay in considering and failure in reporting proper measures, and for the favorable reporting of questionable measures.

"It will follow the course of all bills after their emergence from committee, fixing the responsibility for delay in considering popular measures, or for the defeat of the same, and also fixing the responsibility for the advancing of vicious measures, or for their enactment into law.

"It will keep a record of the official acts of every Senator and Representative in such available form as to be of immediate service to newspaper correspondents and magazine writers, and to the people of any State or of any Congressional district.

"It will be of great service to the square, honest member of Congress in his legislative work. The People's Lobby will prepare statistics and information for the use of Senators and Representatives, to enable them more effectively to support legislation in the public interest, and to oppose vicious measures. Hereafter the member of Congress need not rely for statistics and information, as he has had to do in the past, on matter prepared by the bureaus maintained by special interests.

"The People's Lobby will constitute a national bureau of publicity, whose purpose will be to keep the people fully informed as to the official acts of their elected Representatives at the nation's capital. The organization will work with and through the press associations and the special newspaper correspondents at Washington, and will give aid to periodicals and magazines which seek reliable and authoritative information as to the work of Congress. The People's Lobby is not in the remotest sense a movement looking to the formation of a new political party."

THE ATLANTA MASSACRE.

It may seem a rather strange observation to make when we say that we do not experience such an extraordinary degree of indignation at the lynching of the negro assailant upon the chastity of a white woman. No doubt it is wholly reprehensible, unjustified and unjustifiable by law and if we happened to be on hand at the time, we should do our utmost to dissuade the mob. Nevertheless, there would exist, it must be confessed, a rather sneaking wish that our efforts might be unsuccessful. This is distinctly subject to the proviso, however, that the mob had the right man. That is the worst feature in the whole lynching business, for it is highly probable that the greater part of the time the mob hangs the wrong individual.

Now the most appalling feature of the outbreak of violence in Atlanta is that in all likelihood not a single guilty person suffered from the mob's fury. When a semblance of order had been restored, at least a score of innocent negroes had been murdered and more than one hundred wounded. For this, it goes without saying, not a single man will be brought to punishment. The Fulton County grand jury places the blame largely upon the sensational newspapers and its attitude would appear to be borne out by what seems to be an impartial account of events published by Mr. John Temple

Graves, a prominent citizen of Georgia in "The Atlanta Georgian."

"The Atlanta race riots," so he observes, "are due to the cumulative provocation of a series of assaults by negroes upon white women, which, in number, in atrocity, and in unspeakable audacity, are without a parallel in the history of crime among Southern negroes.

"There have been eleven assaults or attempted assaults within the past seven weeks. Of these fiends only four have been apprehended and seven have escaped scot free, and are now at large in the community.

"It is utterly impossible to reach an explanation of this tidal wave of crime. Whether it be due to the lust begotten by the sultry and torrid weather, whether it be due to the remarkable increase of the cocaine habit among the negroes, whether it has been stirred by the revolutionary harangues of a local newspaper; whether it has come from the frequenting of low liquor-dives on Decatur street in which are exposed the pictures of nude white women, or, as is more likely from all these causes combined, it is certain that neither Atlanta nor any other Southern city has ever passed through such a horrid carnival of the unspeakable crime as during the closing weeks of the present summer.

"Every thoughtful citizen has realized that Atlanta has been sleeping upon a volcano for weeks.

"Under these conditions Saturday afternoon was drawing to a close. There had been an attempt at rape for each of the three preceding days right in the heart of the city. The regular afternoon editions of the city papers came out on time without an addition to the gruesome record, and people breathed easier.

"Half an hour later an afternoon extra appeared announcing that there had been four rapes attempted in swift succession within the hour, two of which had been successful. Another paper issued an extra, and in one short hour the populace of Atlanta was in a frenzy of excitement. By seven o'clock the first crude and impromptu organization was formed. And from seven o'clock until an hour after *midnight* Atlanta passed through the throes of a riot which has had no approximation in Southern history.

"The lid of the volcano was off at last.

"Monstrous things were done in the name of retaliation, Old and young negroes, negroes good and bad, innocent and guilty, were cut and slashed and killed. To every plea for mercy was shouted back the fierce response, 'You had no mercy on our women, and we will have none on you.'"